

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana First Judicial District Court, County of Lewis and Clark

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. BDC-18-149
-vs-	)	
	)	DECISION
WILLIAM MIKAEL BAGOSY,	)	
	)	
Defendant.	)	

On August 15, 2018, Defendant was sentenced to the Department of Corrections for ten (10) years, with five (5) years suspended for Count I: Assault with a Weapon. Count II was dismissed. The Court recommended that Defendant be assessed for chemical dependency and the Department provide him with appropriate treatment. Defendant was granted credit for time served from March 5, 2018 – August 15, 2018.

On February 21, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

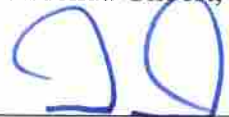
It is the unanimous decision of the Division that the sentence imposed is clearly excessive. The Division concluded that the ten-year sentence with five-years suspended was clearly excessive, given the nature of the offense and the absence of a Pre-Sentence Investigation report in order to evaluate the sentence in light of the circumstances of the offense, potential impact upon the victim(s), and the Defendant's pertinent criminal history. The Division's decision is to amend the Judgment to **DECREASE the sentence to five (5) years to the Department of Corrections, with none suspended, for Count I: Assault with a Weapon.** The remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive and are affirmed.

Done in open Court this 21<sup>st</sup> day of February, 2019.

DATED this 20<sup>th</sup> day of March, 2019.

SENTENCE REVIEW DIVISION

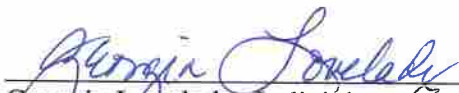
  
Hon. Brenda Gilbert, Chairperson

  
Hon. Dan Wilson,, Member

  
Hon. Luke Berger, Member

Copies mailed this 25<sup>th</sup> day  
of March, 2019, to:

Clerk of District Court (Original)  
William M. Bagosy #3025032, Defendant (2)  
Hon. Michael McMahon  
Brent Getty, Defense Counsel  
Leo Gallagher, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division